

### REMARKS

Claim 14 has been amended to overcome the informality in line 1.

Claims 1 and 8 stand rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The objectionable language without requiring the use of options has been deleted.

Claims 1, 3-8, 10-15 and 17-21 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application 2004/0128685 to Hassell. The Section 102(e) rejections are moot in view of the amendments to the independent Claims 1, 8 and 15 to include the limitations of their respective dependent Claims 2, 9 and 16.

Claims 2, 9 and 16 stand rejected under 35 U.S.C. 103 (a) as being unpatentable over Hassell. The Examiner states that it would have been obvious at the time to modify the method, machine readable medium, and system disclosed by Hassell to include on the STB a control panel with the same buttons for actuation as is provided on the associated remote control and thus would include the disclosed "transfer" key as found on the remote control disclosed by Hassell. However, Hassell does not motivate, teach or suggest the STB control panel including the transfer key. The Examiner's "official notice" of what is purportedly notoriously well known, when not supported with citable prior art, is not a proper basis for formulation of a *prima facie* showing of obviousness under Section 103. Hence, reconsideration is respectfully urged.

For the foregoing reasons, Applicant respectfully requests allowance of the pending claims and that a timely Notice of Allowance be issued in this case.



Respectfully submitted,

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CERTIFICATE OF MAILING

I HEREBY CERTIFY that the foregoing was placed in an envelope and mailed via U.S. Express Mail (No. ER965763580US), postage prepaid to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this the 5<sup>th</sup> day of December, 2006.

The Commissioner is hereby authorized to charge any additional fees which may be required at any time during the prosecution of this application without specific authorization, or credit any overpayment, to Deposit Account No. 50-1667.

Stefan V. Stein